

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
Newark Vicinage**

LIFESCAN, INC.,

Plaintiff,

v.

JEFFREY C. SMITH, GEOFFREY S. SWINDLE, STEVEN L. J. SMITH, SAHILY PAOLINE, DAVID GRANT, JUSTIN LEAVITT, BLAINE SMITH, TRAVIS HUGHES, ALISON WISTNER, ADAM KOOPERSMITH, ZB, N.A., HUGHES & COMPANY; HUGHES & COMPANY INVESTMENT PARTNERS, LLC; KESMAN HUGHES & COMPANY, LLC, HS MEDSOURCE HOLDCO, LLC, MERCATO MANAGEMENT, LLC, MERCATO PARTNERS, LLC, MERCATO PARTNERS GROWTH II GP, LLC, MERCATO PARTNERS GROWTH II, L.P., MERCATO PARTNERS GROWTH AFFILIATES II, L.P., MERCATO PARTNERS IA II, L.P., MERCATO PARTNERS INGRAM, LLC, MERCATO PARTNERS INGRAM CO-INVEST, LLC, PRITZKER GROUP VENTURE CAPITAL LLC; JABODON PT COMPANY, NWV-ALLIANCE LLC, NWV-ALLIANCE-2 LLC,

Defendants.

Civil Action

No. 2:17-CV-05552-CCC-CLW

**STIPULATION WITHDRAWING
CROSSCLAIMS WITHOUT
PREJUDICE AND WITHDRAWING
MOTIONS TO DISMISS THE SAME
WITHOUT PREJUDICE**

IT IS HEREBY STIPULATED AND AGREED that Defendant Jeffrey C. Smith ("J. Smith"), by and through his undersigned counsel, Kaufman Dolowich & Voluck, LLP, hereby agrees to withdraw, without prejudice, the crossclaims contained in his Answer (ECF 596) to Plaintiff's Second Amended Complaint asserted against all defendants. Defendants who have filed motions to dismiss J. Smith's crossclaims agree, as a result of J. Smith's withdrawal of the

crossclaims, to withdraw the motions to dismiss the crossclaims, without prejudice. These Defendants include Adam Koopersmith, Jabodon PT Company d/b/a Pritzker Group Venture Capital, NWV-Alliance LLC, and NWV-Alliance-2 LLC, and Alison Wistner (ECF 627); the Mercato Defendants (ECF 627); and David Grant (ECF 634 and ECF 637).

KAUFMAN DOLOWICH & VOLUCK, LLP
Attorneys for Defendant, Jeffrey C. Smith

/s/ Iram P. Valentin

Iram P. Valentin, Esq.

CHIESA SHAHINIAN & GIANTOMASI, P.C.
*Attorneys for Defendants, Adam Koopersmith,
Jabodon PT Company d/b/a Pritzker Group
Venture Capital, NWV-Alliance LLC, and
NWV-Alliance-2 LLC, and Alison Wistner*

/s/ Marie L. Mathews

Marie L. Mathews, Esq.

MIDLIGE RICHTER, LLC
*Attorneys for Travis Hughes and
the Medsource Entity Defendants*

/s/ James S. Richter

James S. Richter, Esq.

MANNING CURTIS BRADSHAW & BEDNAR, PLLC
*Attorneys for Steven Hadlock, Justin Leavitt,
Sahily Paoline and Blaine Smith*

/s/ Mitch Longson

Mitch Longson, Esq.

ALSTON & BIRD, LLP
Attorneys for the Mercato Defendants

/s/ Christopher J. Borchert

Christopher J. Borchert, Esq.

WALSH PIZZI O'REILLY FALANGA, LLP
*Attorneys for Defendant,
Zions Bancorporation, N.A.*

/s/ Liza Walsh

Liza Walsh, Esq.

DAVID GRANT, ESQ.

/s/ David Grant

David Grant, Esq., *pro se*

SO ORDERED

s/Claire C. Cecchi

CLAIRE C. CECCHI, U.S.D.J.

Date: 5/25/2023

END